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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/723,816	11/28/2000	Barry Reginald Hobson	71386-6	6414
20915	7590	04/24/2002		
MCGARRY BAIR LLP			EXAMINER	
171 MONROE AVENUE			JONES, JUDSON	
SUITE 600				
GRAND RAPIDS, MI 49503			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 04/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/723,816	HOBSON ET AL.
	<b>Examiner</b> Judson H Jones	<b>Art Unit</b> 2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,8,9 and 13 is/are rejected.
- 7) Claim(s) 4-7,10-12 and 14-18 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. 09/196,274.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____    | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in—

- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith.

Smith discloses an electric machine including a magnetic field means 12 that produces lines of flux which extend in an axial direction and a support 5 with an electrically conductive path as shown in figure 5.

In regard to claim 8, see Smith column 2 lines 43-50.

In regard to claim 9, see Smith column 3 lines 35-45.

Claims 1 and 13 are additionally rejected under 35 U.S.C. 102(e) as being anticipated by Shiraki et al. (cited by Applicant). Shiraki et al. discloses an electric machine including a magnetic field means 10 that produces lines of flux which extend in an axial direction and a support 6 with an electrically conductive path as shown in figure 1.

In regard to claim 13, see Shiraki et al. column 9 lines 1-6 and lines 49-55, which explains that armature 6 vibrates and rotates for at least two-dimensional motion in a plane. See Shiraki et al. column 9 lines 1-6 and figure 1 for the minimum of two conductive paths, each path having a segment that extends through the magnetic field in a second direction that has a

direction component extending at right angles to the direction of the magnetic field means. See Shiraki et al. figure 1 for the first and second segments at non-diametrically opposed locations.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are additionally rejected under 35 U.S.C. 102(b) as being anticipated by Clifford et al. Clifford et al. discloses an electric motor having a field means 5A, 5B as shown in figure 1 that produce lines of flux which extend in an axial direction and a support 7 as shown in figure 6.

In regard to claims 2 and 3, see Clifford et al. column 5 lines 1-23.

***Allowable Subject Matter***

Claims 2-7, 10-12 and 14-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In regard to claim 2, the prior art of record does not disclose or teach a support made of an electrically conductive material and provided with a plurality of apertures.

In regard to claims 10 and 12, Smith shows an electric machine having mechanical coupling means but which only moves the support in one dimension. While the support of Shiraki et al. moves in at least two directions in a plane and also in a direction perpendicular to the plane, there is no mechanical coupling in the device of Shiraki et al. to move the support.

In regard to claim 14, the conductive paths of Shiraki et al. do not conduct current, and the Smith device does not meet the limitation of the support capable of at least two-dimensional motion in a plane as recited in claim 13.

In regard to claim 17, Shiraki et al. does not disclose a mechanical input for the support.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Judson H Jones whose telephone number is 703-308-0115. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on 703-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

JHJ *JHJ*  
April 19, 2002

*MR*  
NESTOR RAMIREZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800